

to be filed under
seat per order of Magistrate
Judge Keester
ock

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

NORTH CAROLINA

UNITED STATES OF AMERICA
v.

CRIMINAL COMPLAINT

KAMRAN SHAIKH
42-66 Ketchum Street
Elmhurst, New York 11373

Case Number: 3:04 ~~01~~ 122-K

(Name and Address of Defendant)

CHARLOTTE, N.C.
 2004 AUG -5 PM 4:18
 U.S. DISTRICT COURT
 W. DISTRICT OF N.C.

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about July 20, 2004 in Mecklenburg County, N.C. the Western District of North Carolina defendant(s) did,

(Track Statutory Language of Offense)

See Attachment A

in violation of Title 18 & 8 United States Code, Section(s) 1001(a)(2) & 1253(a)(1)(A)I further state that I am a(n) Senior Special Agent and that this complaint is based on the following facts:

See Attached Affidavit

Certified to be a true and correct copy of the original
U.S. District Court
Frank G. Johns, Clerk
Western District of N.C.

By [Signature] Deputy ClerkContinued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No Date 8/5/04[Signature]
Signature of Complainant

John Scott Sherrill

Printed Name of Complainant

Sworn to before me and signed in my presence,

Date 8/5/04

at

Charlotte, North Carolina
City and State

United States Magistrate Judge
Name and Title of Judge

[Signature]
Signature of Judge

ATTACHMENT A

In a matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully make a materially false, fictitious, or fraudulent statement or representation; AND is an alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in Title 8 USC Section 1227(a) – who did willfully fail or refuse to depart from the United States within a period of 90 days from the date of the final order of removal under administrative processes.

AFFIDAVIT

I, John Scott Sherrill, hereinafter designated as affiant, having been duly sworn, hereby depose and state the following:

1. The affiant is employed as a Senior Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), and has been so employed with ICE and the former Immigration and Naturalization Service (INS) for approximately the past twelve years. The affiant has been an ICE/INS representative assigned to the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF) for approximately the last three years. The affiant is a graduate of the Immigration Officer/Special Agent Academy and the Journeyman Immigration Special Agent Course at the Federal Law Enforcement Training Center at Glynco, Georgia. The affiant has also attended additional training courses involving domestic and international terrorism given by the FBI and the Central Intelligence Agency (CIA). In addition to terrorism related investigations, the affiant is experienced in investigating criminal and administrative violations of the Immigration and Nationality Act, Title 8 United States Code, involving illegal entry into the United States, alien smuggling, and employer sanctions. The affiant has also conducted numerous investigations of violations of Title 18 United States Code including violations of immigration fraud, naturalization fraud, false identification, and other violations involving aliens.

2. The information in this affidavit is based on personal knowledge derived from my own participation in this investigation and information received from the Charlotte-Mecklenburg Police Department and the records of the United States Department of Homeland Security.

3. On July 20, 2004, Officer Anthony D. Maglione of the Charlotte-Mecklenburg Police Department (CMPD) witnessed Kamran SHAIKH videotaping the downtown area of Charlotte near the intersection of South Tryon Street and Stonewall Avenue. When SHAIKH saw Maglione approaching he stopped videotaping and began walking away from the officer. Officer Maglione asked SHAIKH what he was doing and SHAIKH replied that he was walking to the bus station. Officer Maglione noted that SHAIKH was walking in the opposite direction from the bus station. CMPD Detective Kenneth DeSimone, also a member of the JTTF, responded to the scene. Detective DeSimone asked SHAIKH if he would voluntarily accompany him to the Charlotte FBI office a few blocks away. SHAIKH agreed to go with Officer Maglione and Detective DeSimone to the FBI office. Detective DeSimone explained to SHAIKH that he was not under arrest and at no time was SHAIKH placed in any type of restraints.

4. Once at the Charlotte FBI office, the affiant identified himself to SHAIKH as a Special Agent with US Immigration and Customs Enforcement. I asked SHAIKH about his citizenship, and he replied that he was from Pakistan. The affiant asked SHAIKH his immigration status and SHAIKH stated that he was legally in the United States and that

he had a "Green Card". [The Immigration and Naturalization Service Form I-551, Alien Registration Card, is commonly referred to by the slang term "Green Card".] The affiant asked SHAIKH how he obtained his "Green Card", and he replied that his wife had applied for him in 1997. The affiant asked SHAIKH where he had his immigration interview and he replied that he had his interview in New York City in 2002. He also stated that he obtained his "Green Card" in New York in 2002.

5. SHAIKH provided the affiant with a New York Drivers License number 158 300 924 in the name of Kamran SHAIKH, with a date of birth of 09/14/1968 and an address of 42-66 Ketchum Street, Elmhurst, New York 11373. SHAIKH also produced a Social Security Card bearing the number 093-80-0455.

6. SHAIKH stated that his wife is also a Pakistani citizen but that she too has a "Green Card" and is currently waiting to become a United States citizen. SHAIKH said that he was born in Karachi, Pakistan. His mother's name is Suriya and his father's name is Akhtar. He stated that he originally entered the United States in 1991 by illegally crossing from Tijuana, Mexico into the United States.

7. The affiant asked SHAIKH if he had ever had a hearing in Immigration court. He replied that he had not had any hearings. The affiant asked SHAIKH if he had ever filed any other immigration applications and he answered, "no".

8. The affiant informed SHAIKH that he is required by law to carry his Alien Registration Card ("Green Card") at all times. SHAIKH claimed that he did not know he was supposed to carry it. He added that he doesn't like to carry it, especially when traveling, for fear of losing it.

9. SHAIKH claimed he had been back to Pakistan in 1996. The affiant asked him with what documents he was able to re-enter the United States. He replied that he used an Employment Authorization Card. The affiant informed SHAIKH that an alien couldn't enter the United States with an Employment Authorization Card. SHAIKH responded by saying that he entered using an Advance Parole document. SHAIKH stated that he had been applying for political asylum but withdrew his application.

10. The affiant and ICE Special Agent Deborah Cannady checked the Central Index System and found alien registration number A72 567 612 relating to a Kamran SHAIKH, date of birth 09/14/1968, place of birth Pakistan. This record also contained the Social Security Number: 093-80-0455. The Deportable Alien Control System showed that SHAIKH had been found Excludable/Inadmissible and that an administrative final order of removal had been issued.

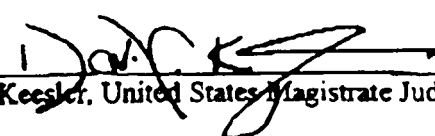
11. Several times during the interview SHAIKH claimed to be legally in the US with a "Green Card". After further discussion, SHAIKH finally admitted that he did not have a "Green Card" and that he had not traveled back to Pakistan since he left that country in 1991.

12. A review of the videotape contained in SHAIKH's video camera showed video of the downtown area of Charlotte, North Carolina including the Bank of America Building and the Wachovia Building where the local FBI office is located. SHAIKH allowed agents to view other tapes in his possession. These tapes included video of buildings in the downtown areas of Atlanta, Georgia; Austin, Texas; Houston, Texas; Dallas, Texas; and New Orleans, Louisiana. He also had video of what appeared to be Mansfield Dam in Austin, Texas. SHAIKH also had video of public transportation such as MARTA in Atlanta, the Downtown Transit Center and the Downtown Metro Trolley in Houston, trolley cars in Dallas and New Orleans. At times, SHAIKH turned the camera sideways in order to videotape the entire building and often zoomed in on street signs.

13. A review of Department of Homeland Security immigration records and the immigration file A72 567 612 show that SHAIKH claimed to have entered the United States on December 10, 1991 by entering from Mexico into the United States without being admitted after inspection by an Immigration Officer. He applied for political asylum in 1992. On August 6, 1997, the application for political asylum was denied and SHAIKH was placed in removal (deportation) proceedings. On September 2, 1997, a Form I-130 Petition for Alien Relative was filed by Sumaira Azhar on behalf of SHAIKH based on their marriage. On March 4, 1998 at the Immigration Court in New York City, SHAIKH was found removable and given until July 12, 1998 to voluntarily depart the United States. The judge's order stated that if SHAIKH failed to depart by July 12, 1998 then the voluntary departure would be withdrawn and the order would become an order of removal to the country of Pakistan. On April 28, 1998, the I-130 Petition for Alien Relative was approved at the Immigration and Naturalization Eastern Service Center in St Albans, Vermont. There is no record that SHAIKH ever filed an I-485 Petition to Adjust Status to Permanent Resident nor any record of a motion to re-open his removal case to seek time to apply to become a lawfully admitted permanent resident. There is also no record that SHAIKH has ever applied for or received an advance parole travel document.


JOHN SCOTT SHERRILL, Sr. Special Agent
US Immigration & Customs Enforcement

Subscribed and sworn to before me on the 5th day of August 2004.


David C. Keesler, United States Magistrate Judge